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ARIZONA ATTORNEY GENERAL

January 20, 1954
Letter Opinion
No. 54-12-L

Mr. John M. Hall,
Director
Arizona Game and Fish Commission
Capitol Annex
Phoenix, Arizona

Dear Sir:

Your request for an opinion dated January 8, 1954, is, in the considered opinion of the Department of Law, properly answered as follows:

The Commission is entrusted with the affairs of the state relating to fish and game by virtue of Section 57-102, A.C.A. 1939, Sup. Section 57-103 places responsibility for the control and management of the propagation and distribution of amphibians and fish in the Game and Fish Commission. Also included in this section is the power to open, close or alter seasons and bag limits throughout the state or as to a particular stream or lake or part thereof. In addition thereto, the Commission is invested with the power to promulgate rules and regulations deemed necessary to carry out the provisions and purposes of the powers above enumerated. These rules and regulations must be adopted in conformance with the provisions of the Administrative Procedure Act, Laws of 1952, Chapter 97.

If it be properly established at a hearing as required by the Administrative Procedure Act, that fishing from motor-propelled boats on a lake or a part thereof is detrimental to the control and management of the propagation and distribution of amphibians and fish, the Game and Fish Commission would, in the opinion of the Department of Law, be justified in adopting a regulation prohibiting fishing from motor propelled boats on a lake or a part thereof.

Very truly yours,

PWL:jlb

PAUL LA PRADE
Assistant to the
Attorney General

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